

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ASHANI ACKERMAN,

Plaintiff,

-v-

1:25-CV-355

DAVE & BUSTER'S INC., *et al.*

Defendants.  
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APPEARANCES:

OF COUNSEL:

ASHANI ACKERMAN  
Plaintiff, Pro Se

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On March 20, 2025, plaintiff Ashani Ackerman, acting *pro se*, (“plaintiff”) commenced this action against defendants Dave & Buster’s Inc., John and Jane Does 1–10 and ABC Corporations 1–10 (collectively “defendants”) for personal injuries. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On March 28, 2025, after conducting an initial review of plaintiff’s complaint, U.S. Magistrate Judge Mitchell J. Katz granted plaintiff’s IFP

Application. Dkt. No. 4. Judge Katz further advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed in its entirety without prejudice and with leave to amend. *Id.* Specifically, Judge Katz recommended that plaintiff’s complaint be dismissed because he has failed to assert a claim over which this Court has subject matter jurisdiction.<sup>1</sup> *Id.*

Plaintiff has not lodged objections and the time period in which to do so has expired. *See* Dkt. No. 4. Upon review for clear error, Judge Katz’s R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

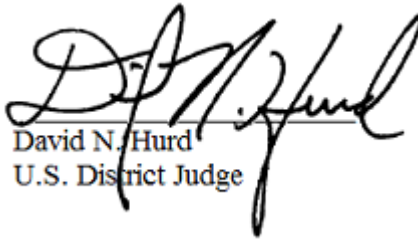
1. The Report & Recommendation (Dkt. No. 4) is ACCEPTED and ADOPTED in all respects;
2. Plaintiff’s complaint is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b); and
3. Plaintiff may file an amended complaint within thirty (30) days from the filing date of this Order;

The Clerk of the Court is directed to mail a copy of this Order to plaintiff and terminate the pending motion.

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<sup>1</sup> Judge Katz advised that plaintiff has not asserted a claim that meets the amount-in-controversy requirement of the federal diversity statute. Dkt. No. 4; *see also* 28 U.S.C. 1332(a).

IT IS SO ORDERED.



David N. Hurd  
U.S. District Judge

Dated: April 29, 2025  
Utica, New York.